IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 25280 of 2003

Between:

Pappala Tirumala Rao S/o. Suryanarayana,aged 49 years,
R/o. Vemulavalasa Village, Anandapuram Mandal Visakhapatnam district.

..... PETITIONER

AND

1 The Commissioner of Cooperation and Registrar of Cooperative Societies, A.P., Gruhakalpa Buildings,
Hyderabad.
2 The District Cooperative Officer, Visakhapatnam District, Visakhapatnam
3 Panduranga Primary Agricultural Cooperative Society, C.No.B-1679, Vemulavalasa Village,
Anandapuram Mandal, Visakhapatnam District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus declaring [i] the action of the respondent in still continuing the petitioner under suspension and ii] in not paying subsistence allowance to the petitioner as highly illegal, arbitrary, unjust and void.

Counsel for the Petitioner:MR.D.V.NAGARJUNA BABU

Counsel for the Respondent No.3: GP FOR COOPERATION

The Court made the following :

ORDER:

Questioning the actions of the respondents in placing the petitioner under suspension and also not paying the subsistence allowance, the writ petition is filed and obtained interim direction for payment of subsistence allowance to the petitioner pending of the writ petition.

Admittedly this court has not interfered with the order of the suspension, therefore, a regular enquiry has been conducted. During the pendency of the writ petition, the services of the petitioner was terminated. Therefore, the prayer No.1 in the writ petition has become infructuous .

In sofar as the payment of subsistence allowance is concerned, though it is specifically stated in the counter that the subsistence allowance has been paid as per law, the learned counsel for the petitioner submitted that he has no specific instructions whether the subsistence allowance was paid or not . In sofar as subsistence allowance is concerned, during the pendency of the suspension period, the subsistence allowance if already not paid, the same has to be paid to the petitioner.

With the above observations, the Writ petition is dismissed. There shall be no order as costs.

V.Eswariah,J

22nd July,2004.

Stp/ys

Sd/-

Assistant Registrar

To

1 The Commissioner of Cooperation and Registrar of Cooperative Societies, A.P., Gruhakalpa Buildings,
Hyderabad.
2 The District Cooperative Officer, Visakhapatnam District, Visakhapatnam
3 Panduranga Primary Agricultural Cooperative Society, C.No.B-1679, Vemulavalasa Village,
Anandapuram Mandal, Visakhapatnam District.

4.CCs to G.P.

5..2CD copies

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THE HON'BLE MR JUSTICE V.ESWARAIAH

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22nd July,2004.